

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL)	
COUNCIL OF CARPENTERS PENSION)	
FUND, et al.,)	
)	
Plaintiffs,)	Case No. 21-cv-5289
)	
)	Judge Thomas M. Durkin
v.)	
)	
RUANE CONSTRUCTION, INC. and)	
MARK T. RUANE,)	
)	
Defendants.)	

Plaintiffs' Motion for Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court for entry of judgment against the Defendants and state as follows.

1. This is an ERISA trust fund case for delinquent contributions.

2. On April 13, 2021 this case was dismissed with leave to reinstate pursuant to the settlement of the parties. The settlement was encapsulated in the form of an Agreed Order of Dismissal ("Order"). (Exhibit A) In essence, Defendants agreed to make monthly partial payments towards the settlement amount and also stay current in the submission of the monthly carpenter contribution reports and payments.

3. When Defendants failed to comply with these promises, Plaintiffs filed a Motion to Reinstate the case pursuant to the Order. This case was ultimately reinstated by the Court on August 30, 2021.

4. The Defendant did not make the payments or submit the monthly contributions as required by the Order. The final payment was due May 15, 2021. The Defendant did not pay the final two payments of the Order until September 8, 2021. (Exhibit B)

5. Also, the Defendant did not pay contributions from February 2021 through November 2021. Because of Defendant's breach and in accordance with fund policy, the fund office applied the last two payments received to delinquent contribution reports which paid off the reports through March 2021 and a portion of the April 2021 report. No monies were applied to liquidated damages or attorney costs.

4. After the case was reinstated, Plaintiffs reached to the Defendants in an attempt to resolve the breach. Plaintiffs requested that Defendants submit the outstanding monthly contribution reports for the period May 2021 through present so that a determination could be made as to the amounts due for purposes of settlement discussions and a global resolution. These requests were made for four months from June 2021 throughout October 2021. Despite the repeated requests and for unknown reasons, the Defendants failed to submit the monthly reports. As of December 14, 2021, the fund office still has not received the reports.

5. As a result, this lawsuit and settlement discussions were delayed for months. So, in order to move the case along, the fund auditor contacted the Defendants to review the payroll records to determine the amounts due. Surprisingly, the Defendants complied and the auditor was able to determine the amounts due. Consequently, the fund office was able to generate the monthly reports, on the Defendants' behalf, for the months May 2021 through September 2021 from the auditor's report. Plaintiffs then determined the amounts due through September 2021. (Exhibit B)

6. As a result of the default, the Ruane Construction, Inc. now owes the Plaintiff \$88,981.51 which represents the balance owed, plus the accrued interest, liquidated damages and attorney fees, see declarations, Exhibits B and C.

7. In addition, as a result of the default, Mark T. Ruane agreed to be personally liable for the dues withheld from the employees wages in the amount of \$4,907.13.

WHEREFORE, Plaintiffs pray that judgment be entered against Ruane Construction Inc. in the amount of \$88,981.51 and against Mark T. Ruane personally for \$4,907.13.

Respectively submitted,

s/ Daniel P. McAnally
Attorney for Plaintiffs

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